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## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Group Art Unit: 1623

Russ Mumper et al.

Examiner: H. Owens Jr.

Serial No.: 09/149,721

Filed: September 8, 1998

For: Hydrophobic Glycosylamine  
Derivatives, Compositions, and Methods of  
UseRESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants hereby respond to the Office Action mailed July 17, 2001. In the Office Action, the Examiner required Applicants to elect a group from Group I, relating to DNA molecules, RNA molecules and polynucleotide analogue molecules (claims 50-52, 73-75); Group II, relating to lipids (co-lipids) and liposomes (claims 41-46, 53-55, 58, 76-78 and 80); or Group III, relating to cryoprotectants (claims 56, 57, 64 and 79), for examination in this application.

Applicants hereby elects Group I (claims 50-52, 73-75), but requests a reconsideration of the restriction as to all Groups.

LA-206077.1

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CERTIFICATE OF MAILING  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

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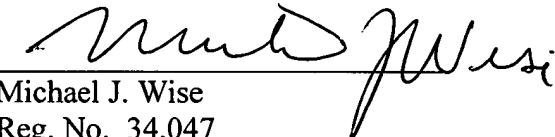
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Groups I, II and III are directed to compositions for the delivery of a polynucleotide into one or more cells. Each composition claimed in each claim of Groups I, II and III comprises a glycosyl moiety and a polynucleotide. Notably, Group II, which appears to be directed to a glycosyl moiety and a polynucleotide, generally (e.g. claims 41-46) includes lipid claims that depend from the DNA molecule/RNA molecule and polynucleotide molecule claim, claims 50-52, of Group I. Applicants further respectfully assert that the similarities in the compositions of Groups I, II and III make it so that examination of Groups I, II and III in one examination is not unduly burdensome. Accordingly, Applicants respectfully submit a waiver of the restriction as to Groups I, II and III is proper.

Respectfully submitted,

LYON & LYON LLP

By:

  
Michael J. Wise  
Reg. No. 34,047

Date: August 15, 2001



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